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To: Harold Reheis, Director of the Environmental Protection Division of the Georgia DNR  
From: Laurie Fowler, Executive Director of the Georgia Environmental Policy Institute  
Date: May 2, 1994  
Re: Comments to the proposed corrective action rule of the Hazardous Site Response Act

The Georgia Environmental Policy Institute appreciates this opportunity to comment on the proposed corrective action rules. Last week our office received several calls from citizens requesting information about and copies of the proposed regulations; we referred these folks to EPD to ensure that they received the draft regulations as quickly as possible. Due to both the importance and the complicated nature of the subject matter, we request that you extend the deadline for comments until May 14th.

The proposed risk factors of 1 in 10,000 (for Class C carcinogens) and 1 in 100,000 (for estimated excess cancer risks) are inadequate to protect human health; we urge that you adopt a more conservative risk factor of 1 in 1,000,000 for all carcinogens.

The use of site-specific risk assessments should not be allowed in residential areas under any circumstances. Individualized risk assessments should be allowed only in industrial areas where the responsible party has unequivocally shown that generic rules are inapplicable, where EPD has adequate resources to evaluate the individual risk assessments, and where the public has been allowed ample opportunity to comment. All risk assessments should address the risk of cancer, reproductive effects and other illnesses due to short-term and chronic exposure to the release and should consider multiple exposures, synergistic effects of multiple contaminants and effects on sensitive populations. They should include long-term epidemiologic studies of health effects within the community and clean-up standards should include medical care for health effects traceable to the exposure.

The most essential feature of an acceptable corrective action should be the actual clean-up of the released substances and contaminated soil and water yet this is not stated explicitly in proposed Rule 391-3-19-.07.

The regulations should require every local government that has a site on the state's Hazardous Site Inventory (HSI) to publish a list of local sites in the local government's legal organ. The local government should be required to hold hearings to inform citizens of the corrective action process for remediating these sites, similar to the hearings held to explain

the facility siting and facility negotiations processes under the Comprehensive Solid Waste Management Act. Citizens' comments on the assumptions and methodologies used by responsible parties should be solicited earlier than is now provided to ensure that they might actually be addressed in the corrective action plan.

Sites listed on the HSI should be marked by prominent signs which include information on the status of the corrective action and opportunities for citizen participation in the development of same, the name of the responsible party, EPD contacts, and information about the released substances and their effects.

The permissive "may reclassify a site from Class II to Class I" should be changed to a mandatory "shall reclassify" in Rule 391-3-19-.06(c).